

117TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session 117-621

RESOLUTION OF INQUIRY REQUESTING THE PRESIDENT TO TRANSMIT CERTAIN DOCUMENTS TO THE HOUSE OF REPRESENTATIVES RELATING TO THE USE OF AUTHORITIES, PERSONNEL, AND CAPABILITIES OF THE INTELLIGENCE COMMUNITY TO CONDUCT DOMESTIC ACTIVITIES UNRELATED TO FOREIGN INTELLIGENCE

DECEMBER 13, 2022.—Referred to the House Calendar and ordered to be printed

Mr. SCHIFF, from the Permanent Select Committee on Intelligence,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H. Res. 1467]

The Committee on Armed Services, to whom was referred the resolution (H. Res. 1467) of inquiry requesting the President to transmit certain documents to the House of Representatives relating to the use of authorities, personnel, and capabilities of the intelligence community to conduct domestic activities unrelated to foreign intelligence, having considered the same, reports thereon without amendment and without recommendation.

PURPOSE AND SUMMARY

H. Res. 1467 requests the President to transmit certain documents to the House of Representatives “relating to the use of authorities, personnel, and capabilities of the intelligence community to conduct domestic activities unrelated to foreign intelligence.”

BACKGROUND AND NEED FOR LEGISLATION

The Committee strongly supports continued oversight of the intelligence community’s use of its authorities, personnel, and capabilities to conduct domestic activities in order to ensure those activities are carried out in compliance with applicable laws, including laws relating to privacy and civil liberties, and in a manner consistent with our nation’s bedrock principles and values.

The Committee has undertaken rigorous, bipartisan oversight work on this subject. For example, Section 505 of the Intelligence Authorization Act for Fiscal Year 2022 (Division X of P.L. 117-103)

requires the Director of National Intelligence (DNI) to submit, on an annual basis, a report that identifies all domestic activities undertaken by each element of the intelligence community during the prior fiscal year, and provides a statement of the legal authority authorizing such activity.

To ensure compliance with this statutory mandate, earlier this year the Committee included a dedicated provision (Section 313) in the Committee-passed Intelligence Authorization Act for Fiscal Year 2023. Section 313 provides that 5 percent of the funding authorized to be appropriated for the Intelligence Community Management Account may not be obligated or expended until the DNI submits the first report required by Section 505 of the Fiscal Year 2022 IAA. The Committee has included other provisions in the classified annex accompanying the Fiscal Year 2023 IAA that underscore the Committee's strong bipartisan interest in this topic.

This Committee has the solemn responsibility, on behalf of the U.S. House of Representatives and the American people, to be fully and currently informed of the intelligence activities of each element of the intelligence community, including any activities with a domestic nexus. The Committee's ongoing oversight of all intelligence community activities—through hearings, briefings, and requests for information—informs legislative action that is necessary and appropriate to ensure that intelligence community personnel abide by U.S. law and values as they carry out their vital national security missions.

For the foregoing reasons, the Committee voted to report H. Res. 1467 without recommendation.

COMMITTEE HEARINGS

The Permanent Select Committee on Intelligence has not held hearings on the legislation.

COMMITTEE CONSIDERATION

H. Res. 1467 was introduced on November 14, 2022, by Ranking Member Turner (R-OH) and was referred to the Permanent Select Committee on Intelligence. On December 7, 2022, the Committee met in open markup session and ordered H. Res. 1467, without amendment, reported without recommendation to the House by voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this resolution contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

FEDERAL MANDATES STATEMENT

The Committee will adopt as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to request the President to transmit certain documents to the House of Representatives relating to the use of authorities, personnel, and capabilities of the intelligence community to conduct domestic activities unrelated to foreign intelligence.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H. Res. 1467 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111-139 or the most recent Catalog of Federal Domestic Assistance.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee will adopt as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H. Res. 1467 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act is created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

H. Res. 1467 requests the President to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of all documents (including records, memos, correspondence, and other communications), to the extent that any such one or more items are within the possession of the

President and refer or relate to the use of authorities, personnel, and capabilities of the intelligence community to conduct domestic activities unrelated to foreign intelligence.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

There are no changes to existing law made by H. Res. 1467.

MINORITY VIEWS

The Republicans of the Permanent Select Committee on Intelligence are encouraged that Democrats support the critical oversight responsibilities of this Committee and have reported this resolution to the House. The requested information is necessary to facilitate this Committee's oversight responsibilities because the Intelligence Community (IC) has repeatedly ignored Member requests for information, including Congressionally Directed Actions and statutory provisions from the Fiscal Year (FY) 2022 Intelligence Authorization Act.

House Resolution 1467 requests that the President transmit documents to the House related to the authorities, personnel, and capabilities of the IC to conduct domestic activities unrelated to foreign intelligence. In early 2021, President Biden tasked the IC to conduct a review of the threats posed by domestic violent extremism. In March 2021, the Office of the Director of National Intelligence (ODNI) released a public report on the heightened threat posed by domestic violent extremists. Since the issuance of this report, Committee Republicans have questioned ODNI and the IC's legal authority to be involved in the collection, analytic review, and dissemination of intelligence related to domestic violent extremism that has no ties to foreign intelligence. To date, Committee Republicans have sent 19 letters to IC Element heads requesting information related to the IC's involvement in domestic activity. In the FY 2022 IAA, Congress enacted a statutory requirement for the Director of National Intelligence to provide a report by June 13, 2022, and annually thereafter, on the IC's domestic activity. As of today, this report has not been provided to Congress.

As a result of the IC not providing the information that has been requested by this Committee and mandated by Congress, it is the prerogative of the House to request such information from the President in order to fulfill its Article I oversight responsibilities.

MICHAEL R. TURNER,
Ranking Member.

